



# Virginia Department of Corrections

## Community, Media, and Other Agency Relations

### Operating Procedure 022.1

#### *News Media Relations*

#### **Authority:**

Directive 022, *Media Relations*

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#### **Amended:**

#### **Supersedes:**

Operating Procedure 022.1, January 1, 2019

**Access:**  Restricted  Public  Inmate

**ACA/PREA Standards:** 5-ACI-1A-22; 5-ACI-3D-06; 4-ACRS-7F-01; 4-APPFS-1C-01; 2-CO-1A-14, 2-CO-1A-25, 2-CO-1A-27, 2-CO-1A-27-1

#### **Content**

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2/8/2021

#### **Reviewer:**

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Date

#### **Signatory:**

Harold W. Clarke  
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2/9/2021

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### **REVIEW**

The Content Owner will review this operating procedure annually and re-write it no later than three years after the effective date.

### **COMPLIANCE**

This operating procedure applies to all units operated by the Virginia Department of Corrections (DOC). Practices and procedures must comply with applicable State and Federal laws and regulations, ACA standards, PREA standards, and DOC directives and operating procedures.

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## DEFINITIONS

**Employee** - Any individual that is employed by a Department of Corrections Organizational Unit and is covered by COV §2.2-2900, *Virginia Personnel Act* et seq. or is employed on an at will basis or appointed by the Governor.

**Intern** - An individual who is undergoing supervised practical training and is serving an internship to advance their area of study; without compensation from the DOC; interns receiving compensation from the DOC are considered employees and will be managed in accordance with their employment status.

**News Media** - A media organization whose primary objective is to collect and report a wide range of news-related content for a newspaper, magazine, news website, news service, or radio and television news; to be considered a news organization, the publication's primary purpose and content must not be about a specific inmate/probationer/parolee.

**News Releases** - Prepared announcements initiated by the Department of Corrections.

**Organizational Unit** - A DOC unit, such as a correctional facility, regional office, P&P Office, Virginia Correctional Enterprises, Academy for Staff Development, Corrections Construction Unit, Agribusiness Unit, and individual headquarters unit, e.g., Human Resources, Offender Management, Internal Audit).

**Recording Equipment** - Any device capable of capturing audio, photo, and/or video.

**Volunteer** - Any citizen of the community who, of their own free will, provides goods or services to the DOC without any financial gain; Program Visitors as defined in Operating Procedure 027.1, *Volunteer Internship Programs*, will be considered as volunteers under this operating procedure.

## PURPOSE

This operating procedure serves to inform employees and the news media of the DOC public information process that fosters contact with the public and the news media. (4-APPFS-1C-01) The release of accurate and timely information to the news media of events within the agency's areas of responsibility contributes to a properly informed public, enhances support for the agency's operations, and limits the potential liability of inaccurate information. (5-ACI-1A-22; 4-ACRS-7F-01; 2-CO-1A-27-1)

## PROCEDURE

- I. News Releases
  - A. DOC news releases must be issued only through the Director's Office, unless otherwise approved by the Director.
  - B. The Office of the Secretary of Public Safety and Homeland Security may approve news releases dealing with matters outside the scope of normal operations. (5-ACI-1A-22; 2-CO-1A-27-1)
- II. News Media Contacts
  - A. Only the Director's Office will give information to the news media regarding official DOC business.
  - B. Those authorized must remain knowledgeable of issues and DOC procedure, and must assure the accuracy of information before release. (2-CO-1A-27)
  - C. The following individuals are authorized by the Director to release information on official DOC business: (5-ACI-1A-22; 4-4021; 2-CO-1A-27-1)
    1. Director of Communications (designated as the DOC public information officer)
    2. Chief of Corrections Operations
    3. Deputy Directors
    4. Persons otherwise authorized by the Director
    5. Persons authorized through the [Request for Media Contact](#) 022\_F2 approved by the Director of Communications
  - D. All news media contacts must be reported immediately to the Director's Office.
    1. Unauthorized Comments
      - a. Employees, interns, and volunteers, other than those authorized above, who make comments to the news media, must clearly indicate they are speaking as a private citizen not in any official capacity.
      - b. Employees, interns, and volunteers who are the subject of litigation may jeopardize their own defense and lose the financial support of the Commonwealth if they make unauthorized comments to the news media concerning any pending litigation; see [COV](#) §2.2-1837, *Risk management plan for public liability*
      - c. Employees are subject to disciplinary action if they violate this section. Interns and volunteers are subject to revocation of their status.
    2. Personnel Information - By law, an employee's position, job classification, official salary or rate of pay, and allowances or reimbursements for expenses, except salaries for those earning less than \$10,000 annually, are public information and must be released to any citizen requesting it. (5-ACI-1A-22; 2-CO-1A-27-1)
    3. Release of other information will be guided by Operating Procedure 025.1, *Public Access to DOC Public Records*. (5-ACI-1A-22; 2-CO-1A-27-1)
    4. News media inquiries concerning an incident at a DOC facility or P&P Office must be referred to the Director's Office. (5-ACI-1A-22; 2-CO-1A-27-1)

5. Any member of the Communications Unit may serve as contact person for routine requests for information. (5-ACI-1A-22; 2-CO-1A-27-1)
6. Information regarding former inmates/probationers/parolees no longer incarcerated in a DOC facility or under DOC supervision is limited to only receiving dates and release dates.

### III. False Information

- A. No employee, intern, or volunteer will knowingly and willfully state, deliver, or transmit to any publication, radio or television station, news service, or cable service any false and untrue statement, with intent that the statement be published, broadcast, or otherwise disseminated.
- B. Employees who do so are subject to disciplinary action and may be guilty of a crime; see COV §18.2-209, *False publications*. Interns and volunteers who do so are subject to revocation of their status.

### IV. News Media Identification

Identification of news media representatives must be by a press or broadcasters card issued by the Department of State Police or by confirmation of press credentials by DOC officials.

### V. News Media Access to Inmates or Community Corrections Alternative Program (CCAP) Probationers/Parolees (5-ACI-3D-06)

- A. Inmates or CCAP probationers/parolees incarcerated in DOC facilities will be made available to the news media in accordance with this operating procedure, as well as operating procedures relating to the inmate's or CCAP probationer's/parolee's security status.
  1. In person media interviews will be held with the designated inmate(s) or CCAP probationer/parolee(s) only.
  2. Subject to safety and security concerns, inmates in *Administrative Location* and *Protective Custody* may not be made available for media interviews.
- B. Telephone interviews will be encouraged in lieu of in-person interviews whenever possible.
  1. The Director of Communications or designee in the Communications Unit at DOC headquarters must approve telephone interviews between the news media and an inmate or CCAP probationer/parolee.
  2. All approved inmate and CCAP probationer/parolee telephone interviews must be made through the Inmate Phone System administered by the contract vendor.
  3. Facility staff should contact the telephone contract vendor Account Representative at Headquarters to make sure the calls are completed and security is maintained.
  4. Calls made through the Inmate Phone System are recorded.
- C. Interviews and DOC photographs (mug shots)
  1. Requests by news media representatives for in-person interviews with inmates or CCAP probationers/parolees must be referred in writing to the Communications Unit in the Director's Office for approval. (5-ACI-3D-06)
    - a. An in-person interview with an inmate or CCAP probationer/parolee by news media representatives must be requested at least 36 hours prior to such interview.
    - b. If 36-hour notice is not possible, telephone interviews may be available as an option.
    - c. Each request will be reviewed by the Communications Unit taking into consideration the interview's effect upon the orderly operation and security of the facility.
  2. Scheduled interviews between news media and inmates or CCAP probationers/parolees are subject to cancellation or rescheduling if there is a threat to the safety and security of the facility.
  3. To gain access to any secure DOC facility, all members of the news media must submit to a physical search by DOC security staff as described in Operating Procedure 445.1, *Employee, Visitor, and*

*Offender Searches* (Restricted). If news media representatives refuse such searches, access to the secured facility will be denied.

4. Written inmate or CCAP probationer/parolee consent for any interview, or the use of any photograph or other likeness, will be required prior to the interview, when such a request is made by the news media. (5-ACI-3D-06)
  - a. Inmates and CCAP probationers/parolees will sign a [Media Consent Agreement](#) 022\_F1 prior to being interviewed or recorded. *Media Consent Agreement* records will be kept by the facility.
  - b. For interviews with inmates under the sentence of death, the inmate's attorney must be notified prior to the inmate being interviewed or photographed; see Operating Procedure 022.2, *Inmate and CCAP Probationer/Parolee Access to the News Media*.
5. In-person interviews will be video recorded by DOC staff and kept as a part of the record of imprisonment. No video recordings will be release under the Freedom of Information Act.
6. Interviews, like other public access to facilities, may be limited to administrative business hours.
7. The Victim Services Unit will be notified of scheduled inmate or CCAP probationer/parolee interviews if victims are registered in VACORIS.

#### D. On-camera/recorded interviews

1. News media may request electronic recorded (audio, still camera, and/or video) interviews with inmates or CCAP probationers/parolees subject to the following limitations:
  - a. Approved interviews will allow for a maximum of two hours inside the facility for media representatives and equipment to interview one inmate or CCAP probationer/parolee. With prior approval, the time can be extended to a maximum of four hours for interviews with multiple inmates or CCAP probationers/parolees.
  - b. DOC facilities categorized as Security Level 2 and below may be approved for in-person electronic recorded media interviews subject to safety and security concerns. Facilities currently categorized as Security Level 2 and below include:
 

<ul style="list-style-type: none"> <li>• Baskerville Correctional Center</li> <li>• Bland Correctional Center</li> <li>• Brunswick Work Center</li> <li>• Caroline Correctional Unit #2</li> <li>• Central Virginia Correctional Unit #13</li> <li>• Coffeewood Correctional Center</li> <li>• Cold Springs Correctional Unit #10</li> <li>• Deep Meadow Correctional Center</li> <li>• Deerfield Correctional Center</li> <li>• Deerfield Men's Work Center</li> <li>• Deerfield Women's Work Center</li> <li>• Dillwyn Correctional Center</li> <li>• Greensville Work Center</li> </ul>	<ul style="list-style-type: none"> <li>• Halifax Correctional Unit #23</li> <li>• Haynesville Correctional Center</li> <li>• Haynesville Correctional Unit #17</li> <li>• Indian Creek Correctional Center</li> <li>• James River Work Center</li> <li>• Lunenburg Correctional Center</li> <li>• Nottoway Work Center</li> <li>• Patrick Henry Correctional Unit #28</li> <li>• Rustburg Correctional Unit #9</li> <li>• St. Brides Correctional Center</li> <li>• Virginia Correctional Center for Women</li> <li>• Wise Correctional Unit #18</li> <li>• CCAP Facilities</li> </ul>
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  - c. DOC facilities categorized as Security Level 3 and above are ineligible for in-person electronic recorded news media interviews.
  - d. News media access and the normal tour itinerary will include representative areas of the facility except maximum security areas, segregation areas, and medical or psychiatric wards. The Facility Unit Head upon special request may grant access to restricted areas only if a legitimate need is established. (5-ACI-1A-22; 2-CO-1A-27-1)
  - e. DOC staff must video record all in-person inmate or CCAP probationer/parolee-media interviews.
  - f. Attorney-client interviews are separate from news media interviews.
  - g. A single facility will not be expected to arrange more than four in-person inmate or CCAP

probationer/parolee interviews per month.

- i. The Facility Unit Head must approve exceptions.
  - ii. Telephone interviews may be offered as an alternative.
- h. Live audio/video interviews (e.g., on-air, live to satellite truck, live internet video) will not be granted.

E. Facility tours

1. Any group wishing to tour a DOC facility will make a request to the Facility Unit Head, who will review and forward the request to the Regional Operations Chief for approval.
  - a. Approved tour requests must be copied to the Chief of Corrections Operations and the Director of Communications for their information.
  - b. Tour requests should be made at least two weeks in advance of the requested visit; see Operating Procedure 025.2, *Public Access to DOC Property*.
2. News media representatives with recording equipment (television cameras, still cameras, sound recorders, etc.) may tour a facility with the Facility Unit Head or their designee only. A tour is differentiated from an interview in that no interaction with inmates, CCAP probationers/parolees, or staff will be allowed during a facility tour.
3. In order to enter any secure DOC facility, all recording equipment will be physically searched by DOC security staff as described in Operating Procedure 430.4, *Perimeter Security* (Restricted), and Operating Procedure 445.2, *Facility Searches* (Restricted). If media representatives refuse to allow such searches, equipment access will be denied.

F. Inmates and CCAP probationers/parolees are permitted to correspond with news media representatives in the same manner as they are permitted other general purpose correspondence, subject to restrictions set forth in operating procedures regarding offender correspondence; see Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*.

VI. DOC Public Information Program (5-ACI-1A-22; 2-CO-1A-25, 2-CO-1A-27-1)

- A. As part of its public information program, the DOC maintains an internet website available to the general public and to other justice agencies to provide general information about the DOC and the DOC goals, objectives, and programs.
- B. The DOC maintains a social media presence to increase public awareness and knowledge of the agency.
- C. The Director or the Director of Communications may invite news media to cover special events and programs.
- D. The DOC participates in re-entry councils, judicial conferences, sentencing commission meetings, Commonwealth's Attorneys meetings, Bar association meetings, professional association conferences, and other meetings to inform other components of the correctional system of the extent and availability of services and programs for the inmate and CCAP probationer/parolee population, as needed and as available. (2-CO-1A-14)

## REFERENCES

COV §2.2-1837, *Risk management plan for public liability*.

COV §2.2-2900, *Virginia Personnel Act*.

COV §18.2-209, *False publications*.

Operating Procedure 022.2, *Inmate and CCAP Probationer/Parolee Access to the News Media*

Operating Procedure 025.1, *Public Access to DOC Public Records*

Operating Procedure 025.2, *Public Access to DOC Property*

Operating Procedure 027.1, *Volunteer and Internship Programs*



Operating Procedure 430.4, *Perimeter Security* (Restricted)

Operating Procedure 445.1, *Employee, Visitor, and Offender Searches* (Restricted)

Operating Procedure 445.2, *Facility Searches* (Restricted)

Operating Procedure 803.1, *Inmate and Probationer/Parolee Correspondence*

## **ATTACHMENTS**

None

## **FORM CITATIONS**

[Media Consent Agreement](#) 022\_F1

[Request for Media Contact](#) 022\_F2